

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

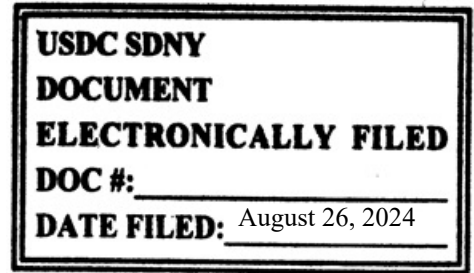
MAUREEN MILLER,

Plaintiff,

-against-

THE CITY OF NEW YORK,

Defendant.



09-CV-01852 (MMG)

ORDER

MARGARET M. GARNETT, United States District Judge:

The above-captioned case was dismissed by the Honorable Leonard B. Sand in January 2010 for failure to state a claim upon which relief may be granted (Dkt. No. 16), and Plaintiff Maureen Miller's motion for reconsideration of the dismissal order was denied in February 2010 (Dkt. No. 19). The appeal of that dismissal and order on the motion for reconsideration was dismissed in July 2010 by the United States Court of Appeals for the Second Circuit as lacking an arguable basis in law or fact (Dkt. Nos. 21, 25). There has been no activity in the matter since that time.

By letter application dated August 21, 2024 (Dkt. No. 26), Plaintiff Maureen Miller seeks a refund of the filing fees that she paid in connection with the case, arguing in essence that the dismissal of her claims was the product of fraud and obstruction of justice, and that she is entitled to a refund because she never appeared before Judge Sand.


Judge Sand has passed away, and the matter has been reassigned to the undersigned. Plaintiff's request for a refund of the fee paid to file the above-captioned case, because she was not satisfied with the outcome of that case, has no arguable basis in fact or law and is DENIED.

The Court certifies under 28 U.S.C. section 1915(a)(3) that any appeal from this Order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose

of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444–45 (1962) (holding that an appellant demonstrates good faith when appellant seeks review of a nonfrivolous issue).

Dated: August 26, 2024
New York, New York

SO ORDERED.



MARGARET M. GARNETT
United States District Judge